

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

B&B WELDING, INC.,

Plaintiff,

v.

CV No. 21-755 GBW/CG

WPX ENERGY PERMIAN, LLC,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on review of the record. Plaintiff filed its *Amended Complaint*, (Doc. 3), on August 31, 2021, seeking a declaratory judgment related to an underlying state court case. The record reflects that a summons was issued to Defendant on October 1, 2021, and that the summons was returned executed on October 14, 2021. (Doc. 5). To date, Defendant has not filed a responsive pleading, and no further activity has occurred in this case since the summons was issued over 90 days ago. Under Local Rule 41.1, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1. As such, Plaintiff is instructed to show cause why its case should not be dismissed under Rule 41.1 for failure to prosecute.

IT IS THEREFORE ORDERED that, on or before **January 18, 2021**, Plaintiff shall file a written response to the Court’s Order, explaining the current status of service on Defendant or otherwise request the appropriate relief.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE